

California Regional Water Quality Control Board  
North Coast Region

CEASE AND DESIST ORDER NO. R1-2005-0034

(AMENDING AND SUPPLEMENTING EXISTING  
CEASE AND DESIST ORDER NO. R1-2003-0046)

REQUIRING THE CITY OF RIO DELL  
TO CEASE AND DESIST FROM DISCHARGING AND THREATENING  
TO DISCHARGE WASTE IN VIOLATION OF  
WASTE DISCHARGE REQUIREMENTS ORDER NO. R1-2000-0015

NPDES No. CA0022748  
WDID No. 1B83134OHUM

Humboldt County

The Regional Water Quality Control Board, North Coast Region (hereinafter Regional Water Board), finds that:

1. The City of Rio Dell (hereinafter Permittee) owns and operates wastewater treatment works that provide collection, sedimentation, biological treatment using rotating biological contactors, disinfection, and dechlorination. During the winter months, treated effluent is discharged to the Eel River. During the summer, treated effluent is discharged into a percolation pond on a gravel bar adjacent to the river.
2. On February 24, 2000, the Regional Water Board adopted Order No. R1-2000-0015, National Pollutant Discharge Elimination System (NPDES) Permit No. CA0022748, for the City of Rio Dell Wastewater Treatment Facility (WWTF).
3. Pursuant to provisions of the Water Quality Control Plan for the North Coast Basin (Basin Plan), Order No. R1-2000-0015 prohibits effluent discharge to the Eel River and its tributaries from May 15 through September 30 each year. During this summertime prohibition period, effluent is discharged into a percolation pond, approximately 100' wide x 300' long on a gravel bar adjacent to the river. The thin gravel bar is underlain by clayey soils, which has allowed effluent to surface on the gravel bar and discharge directly into the river. This chronic violation of Order No. R1-2000-0015 and possible solutions have been the subject of discussions between the Regional Water Board and City staff for several years.
4. On May 15, 2003, the Regional Water Board adopted Cease and Desist Order No. R1-2003-0046, for violations and threatened violations of Order No. R1-2000-0015. Order No. R1-2003-0046 imposed a connection restriction to the WWTF, allowing the addition of no more than the equivalent of 40 single-family dwelling units. Order No. R1-2003-0046 also established time schedules for tasks associated with development of a summertime disposal method to comply with requirements of Order No. R1-2000-0015.

5. The Permittee complied with time schedules and tasks A through D of Order No. R1-2003-0046. The Permittee also completed Task E of the Order, which required detailed analysis of the selected preferred disposal alternative, subsurface infiltration on the point bar south of the WWTF. The detailed analysis revealed that the point bar alternative would not meet Order No. R1-2000-0015 criteria for compliance with the summertime disposal prohibition. Testing results from the point bar pilot study showed that wastewater was discharging through the shallow gravel bar directly into the Eel River.
6. On March 21, 2005, the Permittee notified Regional Water Board staff of its intent to explore other alternatives to achieve compliance with Order No. R1-2000-0015. The Permittee requested a two-year extension to the Order No. R1-2003-0046 compliance schedule in order to develop a new preferred alternative as described in Task B and implement Tasks E through K. The permittee also requested 25 additional connections annually to allow for continued modest growth in the community.
7. The fundamental design of the currently used percolation pond has been modified, whereby it was moved further to the north and expanded to accommodate more wastewater flow. Gravel in the northern area is approximately three to five feet thicker than in the former pond location, which allows more effective percolation of the treated effluent. The modified pond has been expanded to 100' wide x 700' long, more than double the area of the original configuration. The modified pond operated with no observed surface discharges to the Eel River throughout the summer of 2004 and maintained a minimum of five feet of freeboard at all times.
8. Pursuant to Title 23 of the California Code of Regulations, Section 2244.3(b), prohibitions or restrictions on additional discharges to a WWTF may be removed by the Regional Water Board if the Board finds that: 1) consistent compliance with waste discharge requirements can be achieved only by construction of a facility which will take a substantial period of time to complete, 2) the discharger has the capacity, authority, and financial resources to complete the corrective measures necessary to achieve compliance and is currently proceeding with such corrective measures, 3) the corrective measures necessary to achieve compliance with requirements will be placed into operation by the discharger in the shortest practicable time, 4) all practicable interim repairs and improvements to the treatment process of the discharge that can be made have been made, and 5) during the interim period of time until compliance with requirements can be fully achieved the treatment processes of the discharge will be so managed, operated, maintained, and repaired as to reduce to a minimum the violations which resulted in the imposition of the prohibitions or restriction, and such minimum violations for the interim period of time involved will not significantly impair water quality or beneficial uses.
9. The Permittee cannot comply with conditions cited in Finding No. 8 at this time because compliance alternatives must be re-evaluated. Existing Cease and Desist Order No. R1-2003-0046 contains a time schedule to complete and implement by May 15, 2007, a long-term plan for effluent disposal during the summertime river discharge prohibition season. It is appropriate to modify Order No. R1-2003-0046 to provide additional time to revise and complete the project and allow up to 100 additional new

connections until the project is complete. For the foregoing reasons, this Order amends and supplements Order No. R1-2003-0046.

10. Pursuant to Water Code Section 13389 and Title 14, California Code of Regulations, Section 15321, this is an enforcement action for violations and threatened violations of waste discharge requirements and for the protection of the environment and as such is exempt from the requirements of the California Environmental Quality Act (Public Resources Code Section 21000 et seq.).
11. On June 21, 2005, after due notice to the Permittee and all other affected persons, the Regional Water Board conducted a public hearing and received evidence regarding this Cease and Desist Order.

IT IS HEREBY ORDERED PURSUANT TO CALIFORNIA WATER CODE SECTIONS 13243, 13300 AND 13301 THAT the first and second provisions of Cease and Desist Order No. R1-2003-0046 are amended to read:

1. The Permittee shall cease and desist from discharging and threatening to discharge waste in violation of the terms of Order No. R1-2000-0015 (NPDES Permit No. CA0022748) by implementing the following time schedule:

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| Task B | By <b>September 30, 2005</b> , submit for Regional Water Board staff concurrence, a technical report including: (1) a description of the Permittee's potential alternatives for long-term effluent disposal, (2) the preliminary analysis of each alternative, including implementability and estimated costs, (3) a proposal for a detailed analysis to evaluate the preferred alternative. |
| Task E | By <b>May 31, 2006</b> , submit a detailed analysis of the preferred long-term effluent disposal alternative developed from Task B(3) above. The report shall detail progress regarding land acquisition, permitting, financing, and construction of the preferred alternative.  |
| Task F | By <b>February 1, 2007</b> ; complete the California Environmental Quality Act (CEQA) process for the preferred alternative.   |
| Task G | By <b>August 1, 2007</b> ; acquire all necessary permits, including Waste Discharge Requirements from the Regional Water Board.  |
| Task H | By <b>November 1, 2007</b> ; secure funding for the long-term effluent disposal project. Provide the Regional Water Board with documentation regarding the funding source(s).  |
| Task I | By <b>April 1, 2008</b> , submit documentation that the land necessary for the long-term effluent disposal project has been acquired or a long-term lease is secured.  |

- Task J By **April 1, 2008**; submit complete design plans and specifications for construction of the effluent disposal project.
- Task K By **May 1, 2009**, complete construction of the effluent disposal project.
- Task L By **May 15, 2009**, attain full compliance with Waste Discharge Requirements by implementing long-term plans for treated effluent disposal during river discharge prohibition seasons.

2. The addition of new flows of wastewater to the wastewater treatment facility from new residential, commercial, industrial, and/or governmental connections is restricted as follows until such time that it can be demonstrated to the satisfaction of the Regional Water Board that such connections will not result in additional violations of terms of Order No. R1-2000-0015 described in Finding No. 3 above. [Title 23, California Code of Regulations, Section 2244]:

- ❑ The equivalent of 40 single-family dwellings or 18,000 gallons per day, whichever is less, authorized by Order No. R1-2003-0046; plus
- ❑ The equivalent of 100 single-family dwellings or 45,000 gallons per day, whichever is less.

Certification

I, Catherine Kuhlman, Executive Officer do hereby certify that the foregoing is a full, true, and correct copy of an Order Adopted by the California Regional Water Quality Control Board, North Coast Region, on June 21, 2005.

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Catherine E. Kuhlman  
Executive Officer